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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
10/690,239	10/21/2003	Aaron L. Hill	ST8723US	4927
22203	7590 06/14/2006	EXAMINER		INER
KUSNER & JAFFE			JASTRZAB, KRISANNE MARIE	
	PLACE SUITE 310 N MILLS ROAD		ART UNIT	PAPER NUMBER
HIGHLAND	HEIGHTS, OH 44143		1744	
			DATE MAILED: 06/14/2006	5

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief

Application No.	Applicant(s)	——Y
10/690,239	HILL ET AL.	
Examiner	Art Unit	
Krisanne Jastrzab	1744	

THE REPLY FILED 30 May 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. I The reply was filed after a final rejection, but prior to or not ne same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fileg) in compliance with 37 CFR 1.14. The reply must be filed within one of the following replies (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fleg) in compliance with 37 CFR 1.14. The reply must be filed within one of the following repriods: a) The period for reply expires on: (1) the mailing date of the final rejection. b) The period for reply expires on: (1) the mailing date of the final rejection. Exemine Note: If part is abandors period for reply expires on: (1) the mailing date of the final rejection. Exemine Note: If part is abandors period for reply expires on: (1) the mailing date of the final rejection. Exemine Note: If part is abandors period for reply expires on: (1) the mailing date of the final rejection, whichever is later. TWO MONTHS OF THE FINAL REJECTION. Exemine Note: If part is abandors period for reply expires on the corresponding amount of the fee. The appropriate extension for under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally sate in the final Office actions of (2) sat forth in (b) above, if checked: Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely file any reduce any seared patent term adjustment. See 37 CFR 1.70(b). NOTICE OF APPEAL 2. The Notice of Appeal was filed on	The MAILING DATE of this communication appears on the cover sheet with the correspondence address
1. ☑ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavil, or other decine, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods: a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods: b) ☑ The period for reply expires	•
b) ∑ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, nevent, however, will the statutory period for reply expire later than \$150; MONTHS for The final rejection. Examiner Note: It box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 708.07(f). Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) sat forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timble may reduce any earned patent term adjustment. See 37 CFR 1.704(b). MOTICE OF APPEAL ☐ The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 must be filed within two months of the date (a fling the Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a). MENDMENTS ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) They raise new issues that would require further consideration and/or search (see NOTE below); (b) They raise new issues that would require further consideration and/or search (see NOTE below); (c) They raise new issue of new matter (see NOTE below); (d) They raise new issue of new matter (see NOTE below); (e) They raise new issue of new matter (see NOTE below); (e) They raise to its sue of new	1. The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3 a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
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12. Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s) 13. Other:	11. The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
13. Other:	
Primary Examiner Art Unit: 1744	13. Other: Krisanne Jastrzab Primary Examiner

U.S. Patent and Trademark Office PTOL-303 (Rev. 7-05)

Continuation of 11. does NOT place the application in condition for allowance because: Applicant argues that Childers does not teach a sterilant destroyer in a bypass line, however the Examiner never asserts that Childers does, but that Childers teaches the effective use of bypass means for flow control in a circulating sterilizer and it is the combination with Martin that provides a destroyer in a by pass loop. Applicant further argues that there is no motivation to substitute the destroyer of Martin for the dryer of Childers, but again the Examiner never set forth such substitution, rather that the destroyer of Martin be configured in a by-pass loop as taught in Childers. Further, Applicant argues that the 3-way valve of Childers allows partial flow through both loops which the instant invention does not, however, the Examiner would note that there is no positive language in the instant claims regarding the amount of flow. Applicant refers to claim 5 and states that it has language "a bypass condiut for causing substantially all fluild flow to flow through said closed loop..." however, that quoted language is not, in fact, found in the claim. Finally, Applicant argues that the motivation for the combination referring to optimizing steriliant recycling is not supported by the references themselves because Applicant alleges that they teach total removal of the steriliant, however, the Examiner would point out that the removal taught in Maritn particularly, is at the completion of the sterilization cycle, and maintaining optimum concentrations of the sterillant by recycling would be obvious to Martin and would work in conjunction with, not in contradiction of Martin's goals. It is further noted that Applicant has argued operation or function of the apparatus, however, the instant claims are directed to the apparatus itself and the outstanding rejection properly combines the structures of the prior art to meet the instantly claimed structural limiations.